IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3115 OF 2005
IN
WRIT PETITION NO.4544 OF 2005

The Secretary
Bakul Highway Co-op.Mumbai .. Petitioners

Vs.

Ahmed Ebrahim Poonawala & Ors. ..Respondents

Mr.Vijay D.Patil for the petitioners

Mr.Deogirikar h/f Mr.Nitin Tonge for respondent no.1

CORAM : S.U.KAMDAR, J
DATED : 9TH DECEMBER, 2005

P.C.:

. While disposing of the writ petition no.4544 of 2005, this court by order dt.12.9.05 directed the respondent to deposit a sum of Rs.49,672.07. The amount has been deposited by the respondent under the said order. Matter was remanded back to the Divisional Joint Registrar. Divisional Joint Registrar has allowed the Revisional Application of the respondent no.1 society and has granted necessary recovery certificate for much larger amount then what is deposited. The said recovery certificate is not

under challenge. In that view of the matter, respondent no.1 is permitted to withdraw the said money and adjust the amount towards the said recovery certificate. The said adjustment will be subject to the petitioners' right if any to agitate and if found that the said amount is excessively and/or wrongly withdrawn by the respondent no.1 the same will be refunded as per the orders, if any passed in the appropriate proceeding which the petitioners may initiate. Civil application disposed of accordingly. No order as to costs.